

REMARKS

Applicants have amended their claims by adding new claims 9-11 to the application. Of these newly added claims, claim 9 is the sole independent claim, and new claims 9-11 are directed to a vertical furnace. Claim 9 recites that the vertical furnace includes a reaction pipe, a means for feeding reaction gas into the reaction pipe and a means for holding wafers in the reaction pipe, this means for holding the wafers being further defined. In connection with this further definition of the means for holding wafers, note, for example, the claims defining a wafer boat, in the above-identified application, that is, claims 5-8. Claims 10 and 11, each dependent on claim 9, respectively recites that no support members are present in an area in a range from -45 to +45 degrees with respect to direction of insertion of the wafer; and recites that the support members are arcuate or in a ring shape.

The restriction requirement set forth in the Office Action mailed August 12, 2003, is noted. In response thereto, Applicants respectfully elect the Group I claims, that is, claims 1 and 2, drawn to a vertical furnace. In addition to claims 1 and 2, it is respectfully submitted that newly added claims 9-11 also read on this elected group.

Applicants respectfully make this election of the Group I claims with traverse, insofar as applicable to the Groups I and III claims, as set forth in the following. Specifically, it is respectfully submitted that with respect to the Group I and Group III claims, the claims as presently in the application are linked so as to form a single general inventive concept under PCT Rule 13.1. Thus, note, for example, that claim 9 recites that the vertical furnace includes means for holding wafers, this means for holding wafers being further defined as including a plurality of support columns

vertically arranged, with support members at predetermined intervals in a vertical direction along the support columns, and with grooves formed in a surface of each of the support members on the side on which the associated wafer is supported. Note corresponding recitations in, e.g., claim 5. Looking at the wafer boat as claimed, and the vertical furnace as claimed, especially in claim 9, it is respectfully submitted that the subject matter thereof have the necessary linkage to form a single general inventive concept, such that restriction between the Group I claims and the Group III claims is improper.

The contentions by the Examiner on page 2 of the Office Action mailed August 12, 2003, that the inventions listed as Groups I-III do not relate to a single general inventive concept because, inter alia, the vertical furnace does not require a wafer boat having support members with groove-like cutouts, and that the wafer boat for a vertical furnace does not require that the wafer be supported on the holding means by the particular orientation as specified in Group I, are noted. However, the Examiner's attention is respectfully directed to claim 9, requiring that the means for holding wafers has support members with grooves; moreover, note claim 8, and compare with claim 1, with respect to preventing the wafer from making contact with the holding means in various crystal orientations. Even under the interpretation by the Examiner, it is respectfully submitted that the Group I and Group III, as claimed, claims include corresponding special technical features such that they relate to a single general inventive concept under PCT Rule 13.1.

In addition, particularly in view of the subject matter of claims 1 and 9, compared with claims 5 and 8, it is respectfully submitted that examination of both the Group I

and Group III claims in the same application would not constitute an undue burden on the Examiner, such that both groups of claims should be examined in the same application. Cf. Manual of Patent Examining Procedure 803.


Accordingly, reconsideration and withdrawal of the restriction requirement insofar as applied to the Group I and Group III claims, and consideration of the Group I and Group III claims together on the merits in the present application, are respectfully requested.

In any event, Applicants respectfully elect the Group I claims, that is, claims 1, 2 and 9-11, and respectfully request that at least the Group I claims be considered on the merits in the above-identified application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 500.39863X00), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Alan E. Schiavelli', is written over a horizontal line.

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